

ORIGINAL FILED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SUPERIOR COURT
CASE NO. BC 287198 and
CASE NO. BC 287198 A

THE STATE OF CALIFORNIA ex rel.
VEN-A-CARE OF THE FLORIDA KEYS,
INC. a Florida Corporation, by and through
its principal officers and directors, ZACHARY
T. BENTLEY and T. MARK JONES,

Assigned for all purposes to
Honorable Peter D. Lichtman,
Dept. 322, Central Civil West

Plaintiffs,

ABBOTT LABORATORIES, INC., WYETH,
INC., and WYETH PHARMACEUTICALS,
INC., and DOES 1-200,

**[PROPOSED] PROTECTIVE
ORDER AND PARTIAL
UNSEALING ORDER TO
PROVIDE DEFENDANTS
WITH DOCUMENTS IN THE
COURT FILE AND
STIPULATION TO ENTRY
THEREOF**

Defendants.

ORIGINALLY FILED UNDER
SEAL ON JULY 28, 1998

Complaint Filed: January 7, 2003
Originally Filed Under Seal
on: July 28, 1998
Trial Date: None Set

WHEREAS, defendant Abbott Laboratories, Inc. ("Abbott") and defendants Wyeth Inc. and Wyeth Pharmaceuticals Inc. (collectively, "Wyeth"), have filed motions to modify the February 4, 2003 order of this Court addressing the partial lifting of the seal as to documents in the Court's file;

WHEREAS, the Court conducted a status conference on March 3, 2003 during which (a) the parties agreed to meet and confer concerning a procedure to provide defendants with redacted and/or unredacted copies of documents in the Court's files, and (b) the Court continued the hearing of the motion to lift the seal to May 1, 2003; and

WHEREAS, the parties now have met and conferred and request entry of the following order:

IT IS HEREBY ORDERED as follows:

1. The Court file in Case No. BC 287198 and BC 287198 A shall be partially unsealed

[Proposed] Stipulation/Protective Order And Partial Unsealing Order to Provide
Defendants With Documents In The Court File And Stipulation to Entry Thereof

1 as specified herein.

2 2. As a service to the Court, counsel for plaintiffs shall review the Court file in Case
3 No. BC 287198 and Case No. BC 287198A and identify those documents to be disclosed either in
4 redacted form or without any redactions. The State of California reserves the right to object to the
5 disclosure of any document under seal which it deems to be confidential, privileged, or not subject
6 to disclosure by operation of law. As to any documents under seal which are objected to by the
7 State of California, the State will identify the document by Bate Stamp number and general
8 description and will provide written notice of same upon completion of the review as set forth in
9 Paragraph 3.

10 Subject to the State's reservation to object to disclosure of documents, Plaintiffs shall
11 review and redact those portions of documents that reflect (a) allegations against other defendants
12 that remain under seal and the names and number of other defendants who are or have been the
13 subject of investigation by the Attorney General for the State of California; (b) the identities of
14 other jurisdictions, governmental entities, and persons conducting non-public investigations, the
15 type of investigation being so conducted, and the content(s) of such investigation; (c) the names of
16 other individuals or entities who are the subject of non-public investigations; (d) the strategy and
17 resources of the California Attorney General's office or other government agencies in pursuing
18 their investigations against all defendants; (e) the existence and contents of any related litigation in
19 other jurisdictions that remains under seal; and (f) the existence and contents of any related
20 settlement or settlement documents with any defendant. Any redactions not evident from the
21 context of the document shall be clarified on request. Upon completing review of the Court file,
22 Plaintiffs will provide written notice to the Court and defendants of any new categories or
23 documents deemed necessary to protect the confidentiality of matters in the court file.

24 3. Subject to the State's reservation and objections to disclosure as set forth above,
25 Plaintiffs shall provide a complete set of the court file with redactions to counsel for Abbott and
26 Wyeth. The court file shall be provided to counsel for Abbott and Wyeth in installments as
27 redactions are completed and the full file shall be delivered by no later than the morning of March
28 [Proposed] Stipulation/Protective Order And Partial Unsealing Order to Provide
Defendants With Documents In The Court File And Stipulation to Entry Thereof

1 20, 2003. Counsel for Plaintiffs shall provide defendants Abbott and Wyeth with a log describing
 2 any withheld documents or identifying pages with redactions. The log shall also state the basis for
 3 each redaction or withholding of documents (i.e., (a) through (f) in Paragraph 2 or other basis, if
 4 applicable). The log shall be provided in installments and the final installment shall be delivered by
 5 March 31, 2003.

6 4. The Court file or portions thereof, provided to defendants pursuant to the Court's
 7 order shall be deemed confidential and shall not be disclosed by defendants except as follows: (a)
 8 to counsel for defendants Abbott and Wyeth in this case and such employees of their law firms as
 9 are acting under the supervision of counsel for defendants; and (b) up to three "in-house" counsel
 10 for each of Abbott and Wyeth who are responsible for assisting in the preparation of the defense of
 11 this action, provided that counsel for Abbott and Wyeth obtained written assurance that such "in-
 12 house" counsel will not disseminate copies of the documents to any other person in their
 13 organization.

14 5. To the extent any document subject to the disclosure restrictions in Paragraph 4 is
 15 attached to any papers filed with the Court, it shall be submitted in a sealed envelope indicating
 16 that it is being filed pursuant to a confidentiality order. This Court's prior order sealing the record
 17 satisfies the requirements of Rules 243.1 to 243.2 to the extent applicable to a file sealed pursuant
 18 to section 126582(c) of the Government Code and no further showing shall be required in
 19 connection with the filing under seal of any documents subject to this order.

20 6. Defendants Abbott and Wyeth reserve their rights to challenge the seal and the
 21 manner in which any document is treated pursuant to this order. Defendants Abbott and Wyeth
 22 may file motions with the Court challenging the appropriateness of redactions and the need for
 23 disclosure restrictions as to any documents that are subject to this order.

24 SO ORDERED:

PETER D. LICHTMAN

25 DATE: MAR 21 2003

26 PETER D. LICHTMAN
 27 JUDGE OF THE SUPERIOR COURT


28 [Proposed] Stipulation/Protective Order And Partial Unsealing Order to Provide
 Defendants With Documents In The Court File And Stipulation to Entry Thereof

TOTAL P.05

1 By and through their counsel of record the parties HEREBY STIPULATE TO
2 ENTRY OF THE ABOVE ORDER.

3
4 Dated: March 19, 2003

BILL LOCKYER, Attorney General
of the State of California
THOMAS A. TEMMERMAN, Senior
Assistant Attorney General
ELISEO SISNEROS
Supervision Deputy Attorney General
WILLIAM S. SCHNEIDER
Deputy Attorney General

5
6
7
8
9 By: 
WILLIAM S. SCHNEIDER
Deputy Attorney General
On behalf of the State of California


10
11
12 Dated: March __, 2003

ENGSTROM, LIPSCOMB & LACK
GIRARDI & KEESE
COTCHETT, PITRE, SIMON &
McCARTHY
THE BREEN LAW FIRM

13
14
15
16 By: _____
FRANK D. PITRE
On behalf of Qui Tam Plaintiff
Ven-A-Care


17
18
19 Dated: March 19, 2003

JONES DAY

20
21 By: 
DANIEL D. McMILLAN
Attorneys for Defendant Abbott

22
23
24 Dated: March 19, 2003

ARNOLD AND PORTER
OBER, KALER, GRIMES & SHIVER

25
26 By:  S. Craig Holden
LAWRENCE A. COX S. Craig Holden
Attorneys for Defendant Wyeth

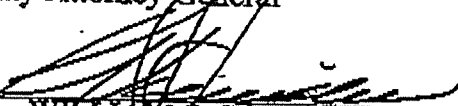
27
28 [Proposed] Stipulation/Protective Order And Partial Unsealing Order to Provide
Defendants With Documents In The Court File And Stipulation to Entry Thereof

TOTAL P.06

1 By and through their counsel of record the parties HEREBY STIPULATE TO
2 ENTRY OF THE ABOVE ORDER.


3
4 Dated: March 17, 2003

BILL LOCKYER, Attorney General
of the State of California
THOMAS A. TEMMERMAN, Senior
Assistant Attorney General
ELISEO SISNEROS
Supervision Deputy Attorney General
WILLIAM S. SCHNEIDER
Deputy Attorney General

5
6
7
8
9 By: 
10 WILLIAM S. SCHNEIDER
11 Deputy Attorney General
On behalf of the State of California


12 Dated: March 19, 2003

13 ENGSTROM, LIPSCOMB & LACK
14 GIRARDI & KEESE
15 COTCHETT, PITRE, SIMON &
16 McCARTHY
THE BREEN LAW FIRM

17 By: 
18 FRANK D. PITRE
On behalf of Qui Tam Plaintiff
Ven-A-Care


19 Dated: March __, 2003

JONES DAY

20
21 By: 
22 DANIEL D. McMILLAN
Attorneys for Defendant Abbott

23
24 Dated: March __, 2003

ARNOLD AND PORTER

25
26 By: 
27 LAWRENCE A. COX
Attorneys for Defendant Wyeth

28 [Proposed] Stipulation/Protective Order And Partial Unsealing Order to Provide
Defendants With Documents In The Court File And Stipulation to Entry Thereof

PROOF OF SERVICE BY MAIL

**State of California ex rel Ven-A-Care v. Abbott Laboratories, Inc., Wyeth, Inc., Wyeth
Pharmaceuticals
(LASC Case No. BC 287198A)**

STATE OF CALIFORNIA) ss.
COUNTY OF LOS ANGELES)

I, the undersigned, declare that I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 555 West Fifth Street, Suite 4600, Los Angeles, California 90013. On March 20, 2003, I served the foregoing document described as, **[PROPOSED] PROTECTIVE ORDER AND PARTIAL UNSEALING ORDER TO PROVIDE DEFENDANTS IN THE COURT FILE AND STIPULATION TO ENTRY THEREOF**, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

William S. Schneider, Esq.
Deputy Attorney General
110 West "A" Street, Suite 1100
P.O. Box 85266
San Diego, CA 92186-5266

Lawrence A. Cox
Arnold & Porter
777 S. Figueroa Street, 44th Floor
Los Angeles, CA 90017-2513

S. Craig Holden, Esq.
Ober Kaler
120 East Baltimore Street
Baltimore, MD 21202

Frank M. Pitre, Esq.
Cotchett, Pitre & Simon
840 Malcolm Road, Suite 200
Burlingame, CA 94010-1413

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 20, 2003, at Los Angeles, California.


Tricia Grundl